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## NOTICE OF ALLOWANCE AND FEE(S) DUE

20306 7590 02/19/2010

MCDONNELL BOEHLEN HULBERT & BERGHOFF LLP  
300 S. WACKER DRIVE  
32ND FLOOR  
CHICAGO, IL 60606

EXAMINER

WU, JUNCHUN

ART UNIT

PAPER NUMBER

2191

DATE MAILED: 02/19/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/693,051

10/24/2003

Robert Derek La Gesse

08-1471-US

1539

TITLE OF INVENTION: TECHNIQUE FOR INSTALLING A STATION DEVICE DRIVER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	05/19/2010

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE  
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

20306 7590 02/19/2010

**MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP**  
300 S. WACKER DRIVE  
32ND FLOOR  
CHICAGO, IL 60606

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/693,051 10/24/2003 Robert Derek La Gesse 08-1471-US 1539

TITLE OF INVENTION: TECHNIQUE FOR INSTALLING A STATION DEVICE DRIVER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional NO \$1510 \$300 \$0 \$1810 05/19/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
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WU, JUNCHUN 2191 717-176000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_
- 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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Date \_\_\_\_\_

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Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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10/693,051	10/24/2003	Robert Derek La Gesse	08-1471-US	1539
20306	7590	02/19/2010	EXAMINER	
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP 300 S. WACKER DRIVE 32ND FLOOR CHICAGO, IL 60606			WU, JUNCHUN	
			ART UNIT	PAPER NUMBER
			2191	
DATE MAILED: 02/19/2010				

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 869 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 869 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/693,051	LA GESSE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	JUNCHUN WU	2191	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed on 1/27/2010.
2. ☒ The allowed claim(s) is/are 1-7,9-12,14-23 and 25-31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

### **DETAILED ACTION**

1. Applicant's filing RCE dated Jan. 27 2010, responds to the advisory action mailed Jan. 15, 2010 provided in the rejection of claims 1-7, 9-23, and 25-31.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Thomas Loos (Reg. No. 60,161) on 2/12/2010 to place the claims in the condition for allowance.

3. The application has been amended as following:
4. In the claimed list filed on 12/29/2009, please amend claims 1, 9, 17, and 25 as follows
5. Claim 13 is cancelled.

- Claim 1,

A method comprising:

electrically connecting a network interface card with a host computing device, the network interface card comprising a memory with a device driver file and at least a first portion of network-specific data stored therein;

in response to electrically connecting the network interface card, sending the device driver file and the first portion of network-specific data from the network interface card to the host computing device;

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receiving an option for device driver installation, wherein the option is not selectable in the device driver file or in the first portion of network-specific data;

installing the sent device driver file based on the received option;

storing a second portion of network-specific data at the memory of the network interface card that is not accessible by the host computing device, wherein the second portion of network-specific data comprises at least one parameter for controlling use of a network by the host computing device, and wherein the at least one parameter sets a length of time that the host ~~computer~~ computing device can access the network once access is granted; and receiving a data block from the host computing device, wherein the host computing device uses the device driver to transfer the data block to the network interface card, wherein the first portion of network-specific data comprises a plurality of pre-configured network-specific parameters that enable the host ~~computer~~ computing device to access the network, and wherein the network interface card controls access to the network by the host ~~computer~~ computing device using the second portion of network-specific data.

▪ Claim 9,

A network interface card, comprising:

a memory for storing at least a device driver file and network-specific data, comprising a first portion of network-specific data and a second portion of network-specific data, wherein the first portion of network-specific data comprises a plurality of pre-configured network-specific parameters that enable a host computing device to access a network, wherein the second portion of network-specific data comprises at least one parameter for controlling use of the network by the host computing device, and wherein the at least one parameter sets a length of time that the host computing device can access a network once access is granted;

a host interface for transferring the device driver file and the first portion of network-specific data; and a transmitter for transmitting a data block into ~~[[a]]~~ the network, wherein the data block is received from ~~[[a]]~~ the host computing device using a device driver represented by the device driver file, ~~wherein the first portion of network-specific data is configured to enable the host computing device to access the network,~~ wherein the second portion of network-specific

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data is unreadable by the host computing device ~~and is configured to control access to the network by the host computing device~~, wherein the network interface card is configured to electrically couple with a card slot of the host computing device, and wherein the host interface is configured to trigger transfer of the device driver file and the first portion of network-specific data to the host ~~computer~~ computing device upon electrically coupling with the host ~~computer~~ computing device.

▪ Claim 17,

An apparatus comprising:

~~a transceiver, configured as~~ a network interface card comprising a memory with a device driver file and at least a first portion of network-specific data stored therein, wherein the first portion of network-specific data comprises a plurality of pre-configured network-specific parameters that enable a host computing device to access a network,

wherein the network interface card is at least configured for:

connecting to a host computing device;

sending ~~[[a]]~~ the device driver file and ~~[[a]]~~ the first portion of network-specific data from the network interface card to the host computing device;

storing a second portion of network-specific data at the memory of the network interface card, wherein the second portion of network specific data is not accessible by the host computing device, wherein the second portion of network specific data comprises at least one parameter for controlling use of a network by the host computing device, and wherein the at least one parameter sets a length of time that the host computing device can access the network once access is granted, ~~the second portion of network data comprising at least one parameter which specifies a time permitted to access a network once access is granted;~~ and

transmitting a data block into ~~[[a]]~~ the network based on the second portion of network-specific data; and ~~[[a]]~~ the host computing device, comprising a card slot configured for electrically connecting with the network interface card, the host computing device configured for:

receiving the device driver file and the first portion of network-specific data;

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selecting an option for device driver installation, wherein the option is not selectable in the device driver file or in the first portion of network-specific data;

installing a device driver that is represented by the device driver file based on the selected option;

generating the data block; and using the device driver to transfer the data block to the transceiver, wherein the first portion of network-specific data is configured to control access by the host computing device to the network, and wherein the host computing device is unable to read the second portion of network-specific data.

▪ Claim 25,

A host computing device, comprising:

means for electrically coupling with network interface card, the network interface card comprising a memory with a device driver file and at least a first portion of network-specific data stored therein, wherein the first portion of network-specific data comprises a plurality of pre-configured network-specific parameters that enable the host computing device to access a network ~~a station configured as a host interface card;~~

means for receiving ~~[[a]]~~ the device driver file and ~~[[a]]~~ the first portion of network-specific data from the station, wherein the ~~station~~ network interface card stores a second portion of network-specific data configured to control access to a network and configured to be unreadable by the means for receiving, wherein the second portion of network-specific data comprises at least one parameter for controlling use of the network by the host computing device, and wherein the at least one parameter sets a length of time that the host computing device can access the network once access is granted ~~the second portion of network data comprising at least one parameter which specifies a time permitted to access the network once access to the network is granted;~~

means for selecting an option for device driver installation, wherein the option is not selectable in the device driver file or in the first portion of network-specific data;

means for installing at the means for receiving a device driver that is represented by the device driver file based on the selected option; and means for transmitting a data block into



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the network, wherein the means for receiving generates the data block, wherein the means for receiving uses the device driver to transfer the data block to the ~~station~~ network interface card, and wherein the first portion of network-specific data is configured to enable the means for receiving to access the network.

***Allowable Subject Matter***

6. Claims 1-7, 9-12, 14-23 and 25-31 are allowed.

7. The following is an examiner's statement of reasons for allowance:

The cited prior art taken alone or in combination fails to suggest

“A method comprising: electrically connecting a network interface card with a host computing device, the network interface card comprising a memory with a device driver file and at least a first portion of network-specific data stored therein; in response to electrically connecting the network interface card, sending the device driver file and the first portion of network-specific data from the network interface card to the host computing device; receiving an option for device driver installation, wherein the option is not selectable in the device driver file or in the first portion of network-specific data; storing a second portion of network-specific data at the memory of the network interface card that is not accessible by the host computing device, wherein the second portion of network-specific data comprises at least one parameter for controlling use of a network by the host computing device, and wherein the at least one parameter sets a length of time that the host computer can access the network once access is granted;”, as recited in independent claim 1 and similarly recited in independent claims 9, 17,

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and 25. Claims 2-7; 10-12, 14-16; 18-23; and 26-31 are considered allowable by virtue of their dependence on allowable independent claims 1, 9, 17, and 25 respectively.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUNCHUN WU whose telephone number is (571)270-1250. The examiner can normally be reached on 8:00-17:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/693,051

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JW

/Wei Y Zhen/

Supervisory Patent Examiner, Art Unit 2191